



FAX TRANSMISSION
CITY OF CINCINNATI
LAW DEPARTMENT
ROOM 214 CITY HALL
801 PLUM STREET
PHONE: 513-352-3334
FAX: 513-352-1515

To: Jessica Powell

Date: 12/14/06

Fax #: 241-7871

Pages: 4

(INCLUDING THIS PAGE)

From: Deb Allison

Phone #: 513-352-3337

Subject: Meisenholder Claim

COMMENTS:

let me know if
you need anything
else. Thanks!
Deb

1:02cv10 82
FEB -1 PM 2:35

FILED
JAMES BONAMI
CLERK

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City of Cincinnati



Office of City Solicitor
Courts Division
Claims/Collections
and Revenue Recovery

1/21/2004

Room 126, City Hall
801 Plum Street
Cincinnati, Ohio 45202-5705
Phone (513) 352-3334
FAX (513) 352-3306

Pauline Meisenhelder
363 Princess Court
Cincinnati, Ohio 45215

J. Rita McNeil
City Solicitor

Ernest F. McAdams, Jr.
City Prosecutor

Dear Mr./Ms. Meisenhelder:

This letter is to acknowledge that the City Solicitor's Office has received your claim for damages.

We are sensitive to your situation, however, as with all claims, the City of Cincinnati must conduct a full investigation.

While we are conducting our investigation, if you have not already done so, please send the following information to the Office of the City Solicitor, Attention: Claims Administrator, 801 Plum Street, Room 214, Cincinnati, Ohio 45202:

1. Any documentation related to the amount of your damages (receipts, estimates, bills, etc.).
2. A copy of your insurance coverage related to your claim.

Please be informed that pursuant to Section 2744.05(B) of the Ohio Revised Code, if the City of Cincinnati is liable for the claimed damages, it is only liable for the amount that is not covered by insurance. If you need further explanation concerning the above, please call me at 352-1577.

The Claims Administrator will notify you by mail of the decision regarding your claim at the completion of the investigation.

Sincerely yours,

Anita A. Boulnetis
Claims Administrator

AAB/lm

Boulmetis, Anita

From: Madden, Dennis
Sent: Friday, February 08, 2004 8:08 AM
To: Boulmetis, Anita; Johnson, Julia; Campbell, Bob; Pat Esposito (E-mail)
Cc: Minges, G Stephen; Johnstone, Ralph
Subject: Response RE: 363 Princess Court - Claim for WIB #94

Anita,

We discussed this claim yesterday. I want to confirm the conversation and provide you documentation for this case. The documents submitted by Pauline Meisenholder of 363 Princess Court in Woodlawn, Ohio 45215 clear identify that the blockage and the broken pipe were on private property. Specifically, the AA Plumbing Inc. receipt, #20230, states that roots were found in the private lateral. The second receipt, #20231, states that the private lateral was replaced from the clean out, "outside the building up to sidewalk." This repair is also on private property. Both the cleaning of the lateral and the replacement of the lateral from the house to the sidewalk are property owner responsibility.

We note that MSD responded to this Water In the Basement (WIB) and approved that clean up services be performed at that site. We have been performing an audit of the January 2 - 4 rain event and have found that we inadvertently performed a WIB clean-up. We are evaluating our procedures and will make corrections to avoid this conflict. If you need additional information or have questions, please call or email me.

Dm²

City of Cincinnati



Office of City Solicitor
Courts Division
Claims/Collections
and Revenue Recovery

Room 126, County Hall
801 Plum Street
Cincinnati, OH 45202-2705
Phone (513) 352-3134
FAX (513) 352-3006

J. Rita McNeely
City Solicitor

Ernest F. McAdams, III
City Prosecutor

March 19, 2004

Pauline Meisenhelder
363 Princess Court
Cincinnati, Ohio 45215

Dear Ms. Meisenhelder:

We have completed our review of your claim for damage to your property on January 4, 2004, at 363 Princess Court, in Cincinnati, Ohio.

The Metropolitan Sewer District (MSD) reports that the cause of your sewer backup was a problem in your house lateral. Under the Metropolitan Sewer District's Regulation, the property owner is responsible for the maintenance of the building lateral from the building to the public sewer line. Metropolitan Sewer District is only responsible for the replacement of the building lateral that is located in the right of way.

Therefore, based upon the facts, the City of Cincinnati Metropolitan Sewer District cannot be responsible for your damages. We must deny your claim. If you wish to appeal this decision, you may do so through the State of Ohio court system.

Sincerely,

Anita A. Boumetis
Claims Administrator

cc: MSD

Enclosure

City of Cincinnati



Office of City Solicitor

December 12, 2006

Room 214, City Hall
801 Plum Street
Cincinnati, Ohio 45202
Phone (513) 352-3334
FAX (513) 352-1515

Jessica Powell
201 East Ninth Street, Suite 200
Cincinnati, OH 45202

J. Rita McNeil
City Solicitor

RE: Meisenholder WIB Claim - 363 Princess Court

Dear Jessica:

Pursuant to your email request of December 11, 2006, enclosed please find all of the original documents provided Ms. Pauline Meisenholder, of 363 Princess Court, to the City of Cincinnati relating to her WIB claim stemming from an incident on or around January 4, 2004.

Please do not hesitate to contact me if you should need further assistance.

Very truly yours,

Deborah Wyler Allison
Assistant City Solicitor

Cc: Shirley Lenzly

REC'D
DEC 13 2006
LJC

**SOLICITOR'S OFFICE
METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI
WATER-IN-BASEMENT (WIB) CLAIM FORM**

You should complete this claim form if you experienced property damage in connection with a flooded basement, also known as a "water-in-basement occurrence" or "WIB", and believe that the flooding was the result of negligence on the part of the Metropolitan Sewer District of Greater Cincinnati ("MSD").

If the WIB was the result of MSD's negligence, MSD and the City of Cincinnati want to see that you are compensated fairly and in accordance with the law for any property damage that may have resulted.

Once you submit this claim, the Claims Section of the City of Cincinnati's Law Department will investigate the cause of the WIB. If the Claims Section determines that MSD was negligent, the Claims Section will attempt to settle your claim by offering you a reasonable sum of money. The amount of money the Claims Section offers you will be based on your documented damages. For that reason, it is to your benefit to cooperate in providing the information requested on this form and in responding to any additional requests from the Claims Section for information about your damages.

If you have questions at any time regarding the status of your claim, please call the Law Department Claims Section at (513) 352-3334.

GENERAL INFORMATION. To be completed by claimant.

Name of Claimant: Pauline Meisenhelder

Address of WIB: 363 Princess Court

City, Village or Township: Woodlawn, Ohio Zip Code: 45215

Unit #, if applicable: _____ Day time phone number: 513-771-4656

Type of property: Single Family Residence
(check one)
 Multi-Family Residence (# of Units: _____)

Business

When did this WIB occurrence begin?

January 4, 2004

Did you report this WIB incident to MSD? Yes No

If you reported this WIB incident, when did you report it? January 4, 2004

DAMAGES INFORMATION. To be completed by claimant.

(1) Is your basement: Unfinished
 Partly Finished
 Completely Finished

(2) If your basement was partially or completely finished, please indicate the square footage of finished square feet.

400 square finished sq. ft. unfinished sq. ft.

(3) Please indicate the type of floor covering that was in your basement prior to the WIB:

Bare floors Carpeting Tile / linoleum

(4) Please indicate what your basement is used for:

<input checked="" type="checkbox"/> Storage	<input checked="" type="checkbox"/> Bathroom	<input type="checkbox"/> Study / Den
<input checked="" type="checkbox"/> Laundry	<input type="checkbox"/> Bedroom	<input type="checkbox"/> Family Room
<input type="checkbox"/> Workbench	<input type="checkbox"/> Bar	
<input type="checkbox"/> Other (please specify)		

(5) Please attach an inventory of damaged property, using the attached instructions.

INSURANCE INFORMATION. To be completed by all claimants.

Do you have insurance on the property that has experienced the WIB? Yes
 No

If you have insurance on the property, please provide the following information:

The name of your insurance carrier: Gross Insurance Agency, Inc.

Your policy number: DHW08251569H

The amount of your deductible: \$500.00

*Owner's
Signature*
NJP

Please attach a copy of your policy's Declarations Sheet and / or a letter from your carrier indicating that these damages are not covered.

OTHER POTENTIAL CLAIMANTS.

We request this information in order to identify any other persons who may have claims for damages as the result of the WIB. Please complete any applicable section.

(A) **RENTERS.** If you rent the property that experienced the WIB, please provide the following information about your landlord:

Name: _____

Address: _____

City: _____ State: _____

Phone Number: _____

(B) **LANDLORDS:** If you own the property that experienced the WIB:

(1) Please provide the following information about each tenant whom you believe may have incurred damage to personal property as a result of the WIB (attach a separate sheet of paper if necessary):

Name: _____

Address: _____

Telephone Number: _____ Unit #: _____

(2) Please also provide the following information:

Is the property held in the name of a corporation, partnership, _____ Yes
or other entity, rather than by individuals? _____ No

If yes, provide the name of the entity that owns the property:

(3) Please provide the following information about how we can contact you:

Address: _____

City: _____ State: _____

Phone Number(s): _____

VERIFICATION. *To be completed by all claimants.*

I hereby certify that the information I have provided on this form, as well as the information contained on my inventory of damaged property, is true and accurate to the best of my knowledge.

Pauline Meisenhelder
Signature of Claimant

January 15, 2004
Date

FOR OFFICIAL USE: To be completed by MSD and / or City Claims personnel.

Form received in Claims Section on _____ by _____

Acknowledgment letter sent to claimant on _____ by _____ (copy file)

Internal Claims Determination Form sent to MSD on _____
received back in Claims Section on _____
follow up calls made _____

Further information requested from MSD? _____ Yes _____ No

Date of request: _____ Mode: _____ Email _____ Memo _____ Oral
(copy file)

Type of info.
requested: _____

Response to request rec'd on: _____

Further information requested from claimant? _____ Yes _____ No

Date of request: _____

Type of info.
requested: _____

Response to request rec'd on: _____

Determination: Approved (Amount _____)
(Letter w/release sent on: _____)
(Signed release rec'd on: _____)
(Payment sent on: _____)

Denied (Letter sent on: _____)

Additional Notes or Comments:

**Instructions for Providing
Inventory of Damaged Property**

If the sewage backup in your basement was the result of negligence on the part of the Metropolitan Sewer District of Greater Cincinnati ("MSD"), MSD and the City of Cincinnati want to see that you are compensated fairly and in accordance with the law for any property damage that may have resulted.

If MSD was negligent, the Claims Section of the City of Cincinnati's Law Department will attempt to settle your claim by offering you a reasonable sum of money. The amount of money the Claims Section offers you will be based on your documented damages. For that reason, it is to your benefit to carefully follow these instructions and to respond to any additional requests from the Claims Section for information about your damages.

Instructions

On a separate sheet of paper, make a list of all the items for which you are claiming damages as the result of the WIB. Your list should also include:

For every ELECTRONIC DEVICE or APPLIANCE (e.g., washer, lamp, television):

- Manufacturer
- Model Number, if available
- Approximate Age
- Cost when purchased
- A description of the damage the item sustained in the flood
- Whether the item is still useable
- Receipt, if available
- Picture of the item

For every piece of FURNITURE (e.g., couch, chair, etc.)

- Appropriate descriptive information (e.g., size, type of fabric, etc.)
- Approximate Age
- Cost when purchased
- A description of the damage the item sustained in the flood
- Whether the item is still useable
- Receipt, if available
- Picture of the item

For every other item,

- Appropriate descriptive information
- Approximate age
- Cost when purchased

- A description of the damage the item sustained
- Whether the item is still useable
- Receipt, if available
- Picture

Mail to: City of Cincinnati
Attn: City Solicitor's Office – MSD Claims
801 Plum Street
Cincinnati, OH 45202

3259 HOMeward WAY
FAIRFIELD, OHIO 45014

A A Plumbing Inc.

INVOICE NO.
20230

"Our business has been built on satisfied customers."

(513) 771-1888 • (513) 863-8181 • (513) 874-1888 • (513) 984-1881
aacincinnati.com

Sold To: Mrs Pauline Meisenhelder Invoice Date: 1-4-03
363 Princess St
STREET Ohi STATE 45215 ZIP
CITY
Work Order # _____

Phone #: 771-4656

PAST DUE CHARGES — 1½% per month

Referred by: Yellow Pages Yellow Book
 Friend/Relative Other

WORKMAN	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	<u>Emergency Service for</u> <u>clean main Drain,</u> <u>Tacke Toilet out and snake threw</u> <u>heavy Roots find -</u> <u>Find out clean out and snake out main Drain</u> <u>All the way threw to main-line full off</u> <u>Root's. Replace closet flange and set Toilet</u> <u>T.V. Sewer line line old full off Roots</u> <u>200.</u> <u>and Damage with Belley need to be Replace</u> <u>labor & Part</u> <small>EXTRA CHARGES</small> <u>Hour \$ 72men</u>		<u>149.00</u>
	The above prices, specifications, and conditions are satisfactory and are hereby accepted.		
Customer Signature	<u>Pauline Meisenhelder</u>	<u>Thank you</u>	
		SALES TAX	
		TOTAL	<u>1200.00</u>

Method of Payment Cash _____ CC _____ Check No. <u>9707</u>	EXP. DATE _____	FOR COMPANY USE ONLY - DO NOT WRITE IN THIS SECTION Recd. _____ TD _____
--	-----------------	--

3259 HOMeward Way
FAIRFIELD, OHIO 45014

A A Plumbing Inc.

INVOICE NO.

20231

"Our business has been built on satisfied customers."

(513) 771-1888 • (513) 863-8181 • (513) 874-1888 • (513) 984-1881
aacincinnati.com

Sold To: Mrs Pauline Meisenholder Invoice Date: 1-5-07
363 princess ct
Ohi o 45215 Phone #: 771-4656
 STREET STATE ZIP
 CITY
 Work Order #

PAST DUE CHARGES — 1½% per month

Referred by: Yellow Pages Yellow Book Friend/Relative Other

WORKMAN	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	Plumbing Service for Replace main sewer line from clean out, outside Building up to side walk Digging, and Install new P.V.C 30 R. 356" pipe. Back fill Dirt, pile Dirt on top of the Ditch, Extra Dirt may onsite, if we hit Gas line will be extra charge for Replacement if we need to cut Trees will be extra (No) no Responsibility for Damage the Yard or concrete		

The above prices, specifications, and conditions are satisfactory and are hereby accepted.

Customer Signature

Pauline Meisenholder Paid Enroll

Method of Payment	EXP. DATE	FOR COMPANY USE ONLY - DO NOT WRITE IN THIS SECTION
Cash _____		
CC _____		
Check No. <u>9710</u>		
Recd. <u>g</u>	TD <u>g</u>	

GROSS INSURANCE AGENCY, INC.
PO BOX 75249
FORT THOMAS, KY 41075-0249
Phone: 859-781-0434 Fax: 859-781-1780

MEMO

Page 1

ACCOUNT NO.	OWNER	DATE
MEISJO1	RS	01/12/2004
POLICY INFORMATION		
DHW08252569H		
TITLE	EFFECTIVE	EXPIRATION
HOME	10/14/2003	10/14/2004

Joseph & Pauline Meisenhelder
363 Princess Court
Cincinnati, OH 45215

Joe & Pauline

Re: HOMEOWNERS

Per your request, attached please find a copy of your current homeowners declaration page. As we explained on the phone, you do not have the endorsement on your policy to cover Water Damage from Sewers/Drains backup.

Thanks.

RHODA STRASSEL

West American Insurance Company

9450 SEWARD ROAD, FAIRFIELD, OHIO 45014

1-800-345-6664

HOMEOWNER RENEWAL CERTIFICATEPOLICY NO.
DHW 08252569ST. TERR. AGENT
34 55 7508POLICY PERIOD
FROM 10/14/2003 TO 10/14/2004 TERM ONE YEAR**INSURED**JOSEPH M. MEISENHEIDER
& PAULINE L.
363 PRINCESS CT
CINCINNATI OH 45215-1038AGENT TELEPHONE: (859)781-0434
JOSEPH P. SINGLER
C/O GROSS INSURANCE
PO BOX 75249
FT THOMAS KY 41075-0249**FIRST MORTGAGEE**THE CENTRAL TRUST CO N A CENTRALI
NE DEPT
201 E 5TH ST
CINCINNATI OH 45202-4152**SECOND MORTGAGEE****1ST LOAN NUMBER****2ND LOAN NUMBER**

D-HO-1-L (7-91)

THE DESCRIBED INSURED LOCATION IS LOCATED AT: 363 PRINCESS CT				CINCINNATI	OH 45215-1038
PROPERTY COVERAGE				LIABILITY COVERAGE	
A.DWELLING \$103,624	B.OTHER STRUCTURES \$10,362	C.PERSONAL PROPERTY \$72,536	D.LOSS OF USE \$31,087	E. PERSONAL LIABILITY EACH OCCURRENCE \$100,000	F.MEDICAL PAYMENTS TO OTHERS EACH PERSON \$1,000
BASIC PREMIUM \$321.00	ADDITIONAL PREMIUM \$48.00			TOTAL PREMIUM \$369.00	

DEDUCTIBLE - PROPERTY COVERAGE, IN CASE OF LOSS WE COVER ONLY THAT PART OF THE LOSS OVER THE DEDUCTIBLE STATED.

CURRENT EDITION OF FORMS WILL BE SUBSTITUTED AT EACH RENEWAL DATE FOR EARLIER EDITIONS IF REVISED DURING THE PREVIOUS POLICY TERM.

\$500 FLAT ALL PERILS.

TERR	PREM GROUP	PROT CLASS	NO. OF FAMILIES	TOWN	YEAR CONST
43	65	5	1		1955

CONSTRUCTION: FRAME

COVERAGE A HAS BEEN INCREASED FROM \$101,124 TO
REFLECT THE CURRENT CONSTRUCTION COST IN YOUR AREA.
PLEASE CONTACT YOUR AGENT IF YOU HAVE ANY QUESTIONS.

THERE IS A CHANGE IN THE DEDUCTIBLE PROVISION
OF YOUR POLICY.

IMPORTANT COVERAGE CHANGES HAVE BEEN MADE TO YOUR
POLICY. SEE ATTACHED NOTICE TO POLICYHOLDERS,
OCH-164, FOR DETAILS.

MARKET 9

*	HO-0003	10-00	
*	HO-0496	10-00	
*	OCH-52	10-00	
*	OCH-2444	10-00	
*	OCH-231	11-01	
*	OCH-163	10-00	
*	OCH-0134	08-01	
*	A0-8717	04-02	
*	OCH-147	05-00	
*	OCH-772	10-00	48.00

INSURANCE IS PROVIDED ONLY WITH RESPECT TO THE COVERS FOR WHICH A LIMIT OF LIABILITY IS SPECIFIED, SUBJECT TO ALL CONDITIONS OF THIS POLICY.

YOUR BUSINESS IS APPRECIATED. CONSULT YOUR AGENT ON ALL INSURANCE MATTERS.



WIB PROPERTY DAMAGE REPORT

WIB Incident No. 094Customer Service Representative: T GiacobbeCustomer Name: Pauline MeisenhelderAddress: 363 Princess Ct. City: Cincinnati Zip: 45215

Room _____

Item Description	Quantity	To Be Cleaned & Saved	To be Disposed of Offsite	Comments
drywall			✓	
baseboards			✓	
carpet			✓	
books	1 box		✓	
baskets	24		✓	
basket of books	1		✓	

The items above were checked against the WIB Incident Report completed on
Date: 01/11/04 and there were no significant differences.

Customer Signature: Pauline MeisenhelderPrinted Name: PAULINE MEISENHELDERDate: Jan. 21, 2004

WIB PROPERTY DAMAGE REPORT

WIB Incident No. 094Customer Service Representative: TG.GebbeCustomer Name: P. MeisenholderAddress: 363 Princess City: Cnts Zip: 45215

Photo #	Room	Item Description	Manufacturer / Model #	Quantity	Comments
201	1	overall			
202	2	"			
203	2	"	drywall		to be disposed
204	2	"			
205	3	"			
206	3	"			
207	3	"			
208	3	baseboards			to be disposed
209	4	ventil			
210	4	ventil			
211	4	carpet			to be disposed
212	4	dryer - H ₂ O level			
213	4	washer - H ₂ O level			
214	4	w/d - H ₂ O level			

The items above were checked against the WIB Incident Report completed on

Date: 02/11/04 and there were no significant differences.Customer Signature: Pauline MeisenholderPrinted Name: Pauline MeisenholderDate: 02/11/04

WIB PROPERTY DAMAGE REPORT

WIB Incident No. 094

Customer Service Representative: T. G. Gillette

Customer Name: P. Meisenhelder

Address: 363 Princen Ct City: Cincinnati Zip: 45215

Photo #	Room	Item Description	Manufacturer / Model #	Quantity	Comments
215	4	door (swollen)			
216	1	baseboards			to be disposed
217	1	wall - w/ flash			
218	1	wall w/ flash			
219	4	books - box		1	✓ to be disposed
220	4	box of sentimental items		1	Keep items
221	4	books (closed)			to be disposed
222	4	baskets	/	2	to be disposed
223	4	basket of books	/	1	"
224	4	misc items (rubbish, paper bags)			
225	4	bag of old soda cans			
226	—	lawn			
227	—	lawn			
228	—	lawn			

The items above were checked against the WIB Incident Report completed on

Date: 01/11 and there were no significant differences.

Customer Signature: X Pauline Meisenhelder

Printed Name: P. Meisenhelder

Date: 01/11/04

Damages as a result of water in basement
unless otherwise mentioned, all articles were discarded

- 1 entire front yard torn up and destroyed
- 2 rug completely destroyed
- 3 toilet broken when plumber removed it to find reason for water back up kept toilet
- 4 baseboards removed and some of dry wall in bathroom removed and need to be replaced
- 5 post cards bought during travel on vacations
- 6 children's books, bible, history, geography and religious and other important reading all gone
- 7 4 baskets received at Christmas over many years from Procter and Gamble destroyed
- 8 homemade bow and arrow destroyed
- 9 tiles loose and cracked, worse in bathroom area (tiles still in place)
- 10 4 rolls wrapping paper, 2 rolls paper towels, 2 packages toilet tissue
- 11 door to utility room will not shut, but still in place

photo enclosed showing replaced pipe in street.
This turned out to be the cause of severe back up into basement.

Note: plumber had replaced all pipes in yard and discovered that it was not the cause of flooding.



Damages as a result of water in basement unless otherwise mentioned, all articles were discarded

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- 5 post cards bought during travel on vacation
- 6 Children's books, bible, history, geography and religious and other important reading ^{all} gone
- 7 baskets received at Christmas over many years from Procter and Gamble destroyed
- 8 homemade bow and arrow destroyed
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photo enclosed showing replaced pipe in street. This turned out to be the cause of severe back up into basement.

Note: plumber had replaced all pipes in yard and discovered that it was not the cause of flooding.















